

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL ALBERT GUARDADO,)	No. C 07-2191 CW (PR)
)	
Petitioner,)	
)	ORDER CLOSING THIS ACTION,
v.)	CONSOLIDATING THE PETITION WITH
)	CASE NO. C 05-0194 CW (PR) AND
J. DAVIS, Chairman, Board of)	DIRECTING THE PARTIES TO FILE
Parole Hearings, et al.,)	SUPPLEMENTAL BRIEFING
)	
Respondents.)	
_____)	

Petitioner Paul Albert Guardado is a prisoner of the State of California who is incarcerated at the Correctional Training Facility in Soledad. He has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and has paid the filing fee. In this petition, he challenges the Board of Parole Hearings' (BPH) refusal to set a parole date at his fifth parole suitability hearing on May 25, 2006. The California Supreme Court denied review of Petitioner's state habeas corpus petition challenging the decision on April 11, 2007.

Petitioner currently has pending before this Court Guardado v. Perez, Case No. C 05-0194 CW (PR), a consolidated habeas corpus petition which challenges the findings of the BPH at Petitioner's May 30, 2002, September 3, 2003 and December 20, 2004 parole suitability hearings. In an Order dated September 20, 2006, the Court denied Respondent's motion to dismiss for lack of subject matter jurisdiction and granted Petitioner's motion for appointment of counsel. See Sept. 20, 2006 Order in Case No. C 05-0194 CW (PR).

1 Petitioner moves to consolidate his current petition with the
2 earlier one in the interests of justice and efficiency. Good
3 cause appearing, the request to consolidate is GRANTED. The Clerk
4 of the Court shall CLOSE this action, TERMINATE all pending
5 motions and CONSOLIDATE the petition into Case No. C 05-0194 CW
6 (PR). All future filings shall occur only in Case No. C 05-0194
7 CW (PR).

8 Within thirty (30) days from the date of this Order
9 Respondent's counsel shall file any supplemental briefing relevant
10 to these proceedings or shall notify the Court that she does not
11 intend to do so. Petitioner's counsel shall file his responsive
12 supplemental briefing within sixty (60) days from the date of this
13 Order.

14 The Clerk of the Court shall file a copy of this Order in
15 Case No. C 05-0194 CW (PR), and shall serve a copy of this Order
16 on the State Attorney General who is listed as Respondent's
17 counsel in Case No. C 05-0194 CW (PR). The Clerk of the Court
18 also shall send a copy of this Order to Kent G. Washburn, who is
19 listed as Petitioner's counsel in Case No. C 05-0194 CW (PR).

20 IT IS SO ORDERED.

21 DATED: 5/15/07

22 
23 CLAUDIA WILKEN
24 United States District Judge
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GUARDADO,

Plaintiff,

v.

PEREZ et al,

Defendant.

Case Number: CV05-00194 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 15, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jessica N. Blonien
Attorney General's Office
for the State of California
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

Kent G. Washburn
(CJA)
123 Jewell St.
Santa Cruz, CA 95060-1717

Paul Albert Guardado E-36459
CTF Central
F-Wing 359
P.O. Box 689
Soledad, CA 93960-0689

Dated: May 15, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California